

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
MY NGUYEN	:	VIOLATIONS:
PHUONG LE	:	18 U.S.C. § 1951(a) (conspiracy to
	:	commit robbery which interferes with
	:	interstate commerce - 1 count)
	:	18 U.S.C. § 1951(a) (robbery which
	:	interferes with interstate commerce - 3
	:	counts)
	:	18 U.S.C. § 924(c)(1) (using and carrying
	:	a firearm during and in relation to a
	:	crime of violence - 3 counts)
	:	18 U.S.C. § 2 (aiding & abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. The following businesses were engaged in interstate commerce as follows:
 - a. Dalia's Grocery store, located at 1033 S. 8th Street in Philadelphia, Pennsylvania, was a business engaged in the retail sale of food, household, and other goods; and
 - b. the 7-Eleven, located at 2101 S. 10th Street in Philadelphia, Pennsylvania, was a business engaged in the retail sale of food, household, and other goods.
2. On or about August 20, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendants

MY NGUYEN and
PHUONG LE

conspired and agreed, together and with persons known and unknown to the grand jury, to commit robbery, which robbery would unlawfully obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, in that defendants NGUYEN and LE conspired to unlawfully take and obtain money and other items of value from the businesses set forth in paragraph 1 above, in the presence of employees and customers of the businesses, and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, all in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

MANNER AND MEANS

It was part of the conspiracy that:

3. On or about August 20, 2009, in the early morning hours, defendants MY NGUYEN and PHUONG LE committed two gunpoint robberies of the businesses listed in paragraph 1 above, as follows:

a. Defendants NGUYEN and LE drove together to the business establishments set forth in paragraph 1, which were open for service to the general public in Philadelphia, Pennsylvania, to rob the businesses at gunpoint.

b. Defendants NGUYEN and LE entered the businesses, brandished a black Arminius Titan Tiger .38 caliber handgun firearm, threatened the employees and customers of the businesses, and stole United States currency and/ or property from the businesses.

OVERT ACTS

Robbery of Dalia's Grocery Store

On or about August 20, 2009, at approximately 1:15 a.m.:

1. Defendants MY NGUYEN and PHUONG LE went together to Dalia's Grocery Store, located at 1033 S. 8th Street in Philadelphia, Pennsylvania, armed with a black Arminius Titan Tiger .38 caliber handgun.
2. When defendants MY NGUYEN and PHUONG LE entered the store, defendant NGUYEN pointed a loaded firearm at victim #1 and victim #2, both of whom were employees of Dalia's Grocery Store. Defendants NGUYEN and LE demanded that victim #1 and victim #2 give them money from the cash register. When victim # 1 did not comply with their demands, defendant NGUYEN fired the gun into the wall.
3. Defendants MY NGUYEN and PHUONG LE then stole approximately 10 packs of cigarettes from Dalia's Grocery Store and fled out of the front of the store.

Robbery of 7-Eleven

Later the same day, on or about August 20, 2009, at approximately 3:15 a.m.:

4. Defendants MY NGUYEN and PHUONG LE went together to the 7-Eleven store, located at 2101 S. 10th Street in Philadelphia, armed with the black Arminius Titan Tiger .38 caliber handgun.
5. When defendants MY NGUYEN and PHUONG LE entered the store, defendant NGUYEN pointed a loaded firearm at victim #3 and victim #4, both of whom were employees of the 7-Eleven. Defendants MY NGUYEN and PHUONG LE demanded that victim #3 give them money from the cash register. When victim # 3 did not comply with their demands,

defendant MY NGUYEN fired the gun into the wall.

6. Defendants MY NGUYEN and PHUONG LE then stole approximately \$100 from 7-Eleven and fled out of the front of the store.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1.a. and 3, and Overt Acts 1 through 3 of Count One of this indictment, are incorporated here.

2. Dalia's Grocery store, located at 1033 S. 8th Street in Philadelphia, Pennsylvania, was a business engaged in the retail sale of food, household and other goods, and was an enterprise engaged in and affecting interstate commerce.

3. On or about August 20, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendants

MY NGUYEN and PHUONG LE

obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce by robbery, in that defendants NGUYEN and LE unlawfully took and obtained, and aided and abetted the taking and obtaining of, approximately 10 packs of cigarettes belonging to Dalia's Grocery Store, from the person of or in the presence of two employees of the store, against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to property belonging to Dalia's Grocery Store, that is, by pointing a loaded revolver at the employees, demanding money, firing a bullet into the wall, and otherwise threatening them.

In violation of Title 18, United States Code, Sections 1951(a), (b)(1), (b)(3), and

2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1.a. and 3, and Overt Acts 1 through 3 of Count One of this indictment, are incorporated here.

2. On or about August 20, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MY NGUYEN and
PHUONG LE**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a black Arminius Titan Tiger .38 caliber handgun loaded with six hollow point bullets, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, conspiracy to commit robbery, which interfered with commerce, and robbery which interfered with commerce, at the Dalia's Grocery Store, in violation of 18 U.S.C. § 1951(a), (b)(1), (b)(3), and 2.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1.b. and 3, and Overt Acts 4 through 6 of Count One of this indictment, are incorporated here.

2. The 7-Eleven store, located at 2101 S. 10th Street in Philadelphia, Pennsylvania, was a business engaged in the retail sale of food, household and other goods, and was an enterprise engaged in and affecting interstate commerce.

3. On or about August 20, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MY NGUYEN and
PHUONG LE**

obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce by robbery, in that defendants NGUYEN and LE unlawfully took and obtained, and aided and abetted the taking and obtaining of, approximately \$100 belonging to 7-Eleven, from the person of or in the presence of two store employees, against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to property belonging to 7-Eleven, that is, by pointing a loaded revolver at the store employees, demanding money, firing a bullet into the wall, and otherwise threatening them.

In violation of Title 18, United States Code, Sections 1951(a), (b)(1), (b)(3), and

2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1.b. and 3, and Overt Acts 4 through 6 of Count One of this indictment, are incorporated here.

2. On or about August 20, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MY NGUYEN and
PHUONG LE**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a black Arminius Titan Tiger .38 caliber handgun loaded with six hollow point bullets, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, conspiracy to commit robbery, which interfered with commerce, and robbery which interfered with commerce, at the 7-Eleven store, in violation of 18 U.S.C. § 1951(a), (b)(1), (b)(3), and 2.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. La Manzaneza Grocery, located at 1434 S. 8th Street in Philadelphia, Pennsylvania, was a business engaged in the retail sale of food, household and other goods, and was an enterprise engaged in and affecting interstate commerce.

2. On or about August 20, 2009, at approximately 10:12 p.m., in Philadelphia, in the Eastern District of Pennsylvania, defendant

MY NGUYEN

obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce by robbery, in that defendant NGYUEN unlawfully took and obtained approximately \$150 and a pack of cigarettes belonging to La Manzaneza Grocery, from the person of or in the presence of a store employee, against her will by means of actual and threatened force, violence, and fear of injury, immediate and future, to property belonging to La Manzaneza Grocery, that is, by pointing a loaded revolver at the store employee, and otherwise threatening her.

In violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 20, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

MY NGUYEN

knowingly used and carried a firearm, that is, a black Arminius Titan Tiger .38 caliber handgun loaded with six hollow point bullets, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, robbery, which interfered with commerce at the La Manzaneza Grocery, located at 1434 S. 8th Street in Philadelphia, Pennsylvania, in violation of 18 U.S.C. § 1951(a), (b)(1), and (b)(3).

In violation of Title 18, United States Code, Sections 924(c)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Section 924(c)(1), set forth in this indictment, defendants

**MY NGUYEN and
PHUONG LE**

shall forfeit to the United States of America the firearm and ammunition involved in the commission of such offenses, including, but not limited to a black Arminius Titan Tiger .38 caliber handgun loaded with six hollow point bullets.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

MICHAEL L. LEVY
United States Attorney